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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,525	07/26/2001	Georg Strom	032492-010	6317

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR C11
PLANO, TX 75024

EXAMINER

SHIN, KYUNG H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,525

Applicant(s)

STROM, GEORG

Examiner

Kyung H. Shin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) 10 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9, 11-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responding to application RCE Filed 7/26/2001.
2. Claims **1-9, 11-17** are pending. Claims **1, 11, 12, 13** have been amended. Claim **10** has been canceled. Independent claims are **1, 11, 12 and 13**.

Response to Arguments

3. Applicant's arguments filed 9/29/05 have been fully considered but they are not persuasive.

Response to Remarks

- 3.1 After an additional examination of existing prior art, the examiner has come to the conclusion that the Aziz (6,643,701), Brezak (6,427,209), and Wall (6,223,289) prior art combination discloses all of the claims limitations within the applicant's invention.
- 3.2 Applicant argues that the referenced prior art does not disclose "... *completing the connection to a second terminal prior to or during the authentication process* ..." (see Remarks Page 6, Lines 13-14) ; "... *initiates a connection between the calling terminal and the called terminal prior to or during login/logon* ..." (see Remarks Page 7, Lines 23-25)

The Aziz (6,643,701), Brezak (6,427,209) and Wall (6,223,289) prior art combination discloses the capability to complete connection to a second terminal or establishment of a connection between calling and called terminals during the authentication (i.e. logon) process. The authentication process, which is

analogous to the logon process, is a two step process consisting of: a) a request for authentication, which includes authentication information, and b) a response for the authentication process sent (i.e. successful or not).

The authentication procedure is not complete until a response of success or failure is sent to the client. The Aziz (6,643,701) prior art discloses that the connection to the second terminal is setup when the authentication credentials are approved, which is part of the authentication process. Then, a response is sent to the requesting client, which completes the authentication process. (see Aziz col. 9, lines 21-30: connection between server and relay setup, connection between relay and client setup during authentication credential processing) In addition, the Wall (6,223,289) prior art discloses completion of a communications connection to a second terminal and then the authentication process is completed. (see Wall col. 13, line 66 - col. 14, line 10; col. 14, line 20: authentication process completed after connection completion)

Therefore, the Aziz (6,643,701), Brezak (6,427,209) and Wall (6,223,289) prior art combination discloses that the connection is completed during the authentication process as required in the claims limitation.

Claim Rejection 35 USC § 103

The text of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. **Claims 1, 2, 4, 5, 7 - 9, 11 - 14, 17** are rejected under 35 U.S.C. 103(a) as being

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unpatentable over **Aziz et al.** (US Patent No. 6,643,701) in view of **Wall et al.** (US Patent No. 6,223,289) and further in view of **Brezak, Jr. et al.** (US Patent No. 6,427,209).

Regarding Claim 1 (Currently Amended), Aziz discloses a method of establishing a connection between a first and a second terminal in a network via a server, wherein the first terminal is in non-permanent connection to the server comprising the steps of: Aziz discloses communications utilizing a first terminal, a second terminal, and a server. (see Aziz col. 3, lines 36-45: connection between first and second terminals utilizing a server) Aziz does not disclose a connection and authentication process within the same communications. However, Brezak discloses:

- a) simultaneously initiating a connection and authentication process between the first terminal and the server; (see Brezak col. 2, lines 13-21: combined information processing (i.e. data, logon information, authentication information))
And, Wall discloses:
- b) completing the connection to the second terminal prior to or during the authentication process; (see Wall col. 13, line 66 - col. 14, line 10; col. 6, line 64 - col. 7, line 2: authentication process between two systems completed, authentication completed after connection completion) and
- c) terminating the connection between the first and second terminal if the authentication fails. (see Wall col. 13, lines 48-60: terminate connection if authentication fails)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aziz to combine transmissions of information over a network as taught by Brezak, and to enable authentication processing capabilities as taught by Wall. One of ordinary skill in the art would be motivated to employ Brezak in order to effectively optimize the combination of logon and user authentication information to increase speed within a network environment (see Brezak col. 1, lines 60-63: "*... more effectively combine the logon and user authentication processes to improve the success rate and speed of the combined logon process ...*"), and to employ Wall in order to efficiently manage shared data between clients/servers in a network environment (see Wall col. 1, lines 44-47: "*... central stores of data and/or applications are accessed through a network by personal computer clients ... provides some administrative efficiency in maintaining the shared data. ...*").

Regarding Claim 2, Aziz discloses the method according to claim 1, wherein the step of completing the connection to the second terminal further comprises the step of connecting the first terminal to the requested server before positive authentication of the first terminal. (see Aziz col. 9, lines 21-30; col. 2, lines 13-21: terminal/server connection can be established prior to authentication)

Regarding Claim 4, Wall discloses the method according to claim 1, further comprising the step of withholding access to the requested server until positive authentication when the first terminal's last attempt at authentication failed. (see Wall col. 15, lines 42-47:

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access withhold until authentication successful)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aziz to withhold access until positive authentication as taught by Wall. One of ordinary skill in the art would be motivated to employ Wall in order to efficiently manage shared data between clients/servers in a network environment. (see Wall col. 1, lines 44-47)

Regarding Claim 5, Aziz does not disclose a predetermined timeout value. However, Wall discloses the method according to claim 1, further comprising the step of withholding access to the server until the authentication process is finished if more than a predetermined time has passed since the last positive authentication. (see Wall col. 13, lines 3-12: timeout period has expired; access denied)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aziz to enable a timeout value for authentication attempts as taught by Wall. One of ordinary skill in the art would be motivated to employ Wall in order to efficiently manage shared data between clients/servers in a network environment. (see Wall col. 1, lines 44-47)

Regarding Claims 7, 8, 14, 17, Aziz discloses the first terminal, server of claims 1, 11, 12, wherein the first terminal and the second terminal are computers, the network is a computer network and the server is a computer. (see Aziz col. 6, lines 6-10; col. 8, lines 9-12: terminals, server are computers communicating over a network)

Regarding Claim 9, Aziz discloses a first terminal and a server communications connection. (see Aziz col. 8, lines 9-12: terminal, server communicating over a network) Aziz does not disclose a communications path utilizing a modem. However, Wall discloses the method according to claim 8, wherein the communications path for first terminal is via a modem connected to the public telephone network and communications path for server is connected to the public telephone network through a modem in the form of a point of presence. (see Wall col. 4, lines 3-10: Internet Service Provider, point of presence system for access to the Internet)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aziz to enable a communications path utilizing a modem as taught by Wall. One of ordinary skill in the art would be motivated to employ Wall in order to efficiently manage shared data between clients/servers in a network environment. (see Wall col. 1, lines 44-47)

Regarding Claim 11 (Currently Amended), Aziz discloses a first terminal, in non-permanent connection to a network, for establishing access to a second terminal via a server coupled with the network, the terminal comprising:

- a) means for establishing a connection to the network and the server; (see Aziz col. 3, lines 36-45; col. 8, lines 9-12: server communications over a network)

Aziz discloses connecting the first terminal to the server. (see Aziz col. 9, lines 21-30: first terminal connected to server) Aziz does not disclose

connection and authentication information within same communication. However, Brezak discloses:

- b) means for sending authentication data for the first terminal prior to or at the same time as connecting the first terminal to the server; (see Brezak col. 2, lines 13-21: combined information communications)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aziz to combine transmissions of information (i.e. authentication data) over a network as taught by Brezak. One of ordinary skill in the art would be motivated to employ Brezak in order to effectively optimize the combination of logon and user authentication information to increase speed within a network environment. (see Brezak col. 1, lines 60-63)

Regarding to Claim 12 (Currently Amended), Aziz discloses a server in a network, the server comprising:

- a) means for establishing a connection with a first terminal; (see Aziz col. 3, lines 36-45: setup connection to first terminal)
- b) means for receiving authentication data and carrying out an authentication process for the first terminal; (see Aziz col. 5, lines 12-13; col. 9, lines 3-5: authentication token (i.e. data))
- c) means for prompting the first terminal for connection information for a second terminal; (see Aziz col. 3, lines 46-56: connection information (i.e. request, prompt) obtained from first terminal)

Aziz does not disclose a connection and authentication process within the same communication, or an authentication history capability. However, **Brezak** and **Wall** disclose:

- d) means for receiving the connection information and the authentication data for the first terminal; (see Brezak col. 2, lines 13-21: combined information communication), and Wall discloses receiving connection information for the second terminal prior to or simultaneously with the authentication data for the first terminal. (see Wall col. 13, col. 14, line 10; col. 14, line 20: authentication completed after connection completion)

And, Wall discloses:

- e) means for connecting the first terminal to the second terminal prior to the authentication of the first terminal, wherein the server is adapted to terminate the connection prior to or during authentication according to the authentication history of the first terminal. (see Wall col. 13, line 66 - col. 14, line 10; col. 15, lines 42-47: number of attempts (i.e. authentication history))

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aziz to combine transmissions of data over a network as taught by Brezak, and to enable an authentication history capability as taught by Wall. One of ordinary skill in the art would be motivated to employ Brezak in order to effectively optimize the combination of logon and user authentication information to increase speed within a network environment (see Brezak col. 1, lines 60-63), and to employ Wall in order to efficiently manage shared data between clients/servers in a

network environment (see Wall col. 1, lines 44-47).

Regarding to Claim 13 (Currently Amended), Aziz discloses a system for establishing access between a first terminal and a second terminal, wherein the first terminal is in non-permanent connection to a network, the system comprising:

the first terminal, which comprises:

a) means for establishing a connection to the network and the server; (see Aziz col. 3, lines 36-45: setup connection to network and server) and

the server, which comprises:

i) means for establishing a connection with the first terminal; (see Aziz col. 3, lines 36-45: setup connection to first terminal)

ii) means for receiving authentication data for the first terminal and for carrying out an authentication process for the first terminal; (see Aziz col. 5, lines 12-13; col. 9, lines 3-5: authentication token (i.e. data))

iii) means for prompting the first terminal for connection information for a second terminal; (see Aziz col. 3, lines 46-56: connection information (i.e. request, prompt) obtained from first terminal)

Aziz does not disclose the capability for connection before authentication completed, an authentication history capability, and connection and authentication information within the same communication. However, **Brezak** discloses:

- b) means for simultaneously sending connection data, prior to or simultaneously with, authentication data to the server; (see Brezak col. 2, lines 13-21: combined information communications)

And, **Wall** discloses:

- v) means for connecting the first terminal to the second terminal prior to authenticating the first terminal; (see Wall col. 13, line 66 - col. 14, line 10; col. 14, line 20: terminal/server connection can be established prior to authentication completion, authentication completed after connection completion)
- vi) means for terminating the connection to the second terminal prior to or during authentication of the first terminal according to the authentication history of the first terminal. (see Wall col. 15, lines 42-47: number of attempts (i.e. authentication history))
- iv) means for receiving the connection information for the second terminal prior to or simultaneously with the authentication data for the first terminal; (see Wall col. 13, line 66 - col. 14, line 10; col. 14, line 20: authentication completed after connection completion)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aziz to enable connection completion during authentication process, and an authentication history capability as taught by Wall, and to combine transmissions of data over a network as taught by Brezak. One of ordinary skill in the art would be motivated to employ Wall in order to efficiently manage shared

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data between clients/servers in a network environment (see Wall col. 1, lines 44-47), and to employ Brezak in order to effectively optimize the combination of logon and user authentication information to increase speed within a network environment (see Brezak col. 1, lines 60-63).

5. **Claims 3, 6, 15, 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Aziz-Wall-Brezak** as applied to claim 1 above, and further in view of **Jiang** (US Patent No. 6,741,853).

Regarding Claims 3, 15, 16, Wall discloses a network connected system for authenticating a user and management services executing in the network on behalf of the user. Wall discloses a redundant capability for a backup network (proxy) server in the event of network (proxy) server failure. (see Wall col. 2, lines 57-60) Aziz discloses the first terminal and the second terminal utilizing a server. (see Aziz col. 3, lines 36-45: server, first terminal, second terminal communications) Neither Aziz nor Wall discloses the usage of a cell phone as a terminal device in a network environment. Jiang discloses the method, first terminal, server according to claims 1, 11, 12, wherein the first terminal and the second terminal are mobile phones, the network is a mobile phone network and the server is a Mobile Service Switching Center (MSC). (see Jiang col. 7, lines 12-17; col. 7, lines 23-26: cell (i.e. mobile) phone operating over a mobile services switching center)

Multiple types of microprocessor devices are used as an interface device for network

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access such as a personal computer, laptop computer, PDA, and a cell phone. An efficient network environment allows access for many types of interface access devices.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wall with the capability to use a cell phone as a network access device as taught by Jiang. One of ordinary skill in the art would be motivated to employ Jiang for rapid and efficient processing of client services by a wireless network server (see Jiang col. 6, lines 64)

Regarding Claim 6, Aziz does not disclose a predetermined threshold for failed authentication attempts. However, Wall discloses the method according to claim 3, further comprising the step of withholding access to the server until the authentication process is finished if more than a predetermined number of failed authentications are registered within a predetermined period of time. (see col. 15, lines 42-47: count threshold has been reached and timeout period expired; access denied)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Aziz to establish a threshold count value for authentication attempts as taught by Wall. One of ordinary skill in the art would be motivated to employ Wall in order to efficiently manage shared data between clients/servers in a network environment. (see Wall col. 1, lines 44-47)

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

K H S
Kyung H Shin
Patent Examiner
Art Unit 2143

KHS
November 27, 2005


JEFFREY PWU
PRIMARY EXAMINER